

## United States Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,201	01/04/2002	Martin L. Plumer	S01.12-0841/STL 10302	2044
7	7590 03/23/2004		EXAMINER	
Brian D. Kaul			KIM, PAUL D	
WESTMAN-CHAMPLIN & KELLY Suite 1600 - International Centre			ART UNIT	PAPER NUMBER
900 South Second Avenue			3729	
Minneapolis,	MN 55402-3319		DATE MAILED: 03/23/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner	. <u>.</u>	Application No.	Applicant(s)	
Paul D Kim  -The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  If the period for reply specified above is sets then thiny (30) days, a world with the control of the period of the reply specified above is sets then thiny (30) days, a world with early (30) MONTHS from the unaiming date of this control of the period of the reply specified above is sets then thiny (30) days, a world with early (30) MONTHS from the unaiming date of this control of the period of the reply specified above is sets then thiny (30) days, a world with early (30) MONTHS from the unaiming date of this control of the period of		10/039,201	PLUMER ET AL.	٠.
The MALING DATE of this communication appears on the cover sheet with the correspondence address Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time ray be available under the provisors of 3 CFR 1.136(a). In no event, however, may a reply be limitely filled by the product of the provisor of 3 CFR 1.136(a). In no event, however, may a reply be limitely filled by the product of the reply appelled above is local beam lifely (30), days, a updy within the adhabitory minimum of thirty (30) days will be considered timely.  If the period for reply appelled above is local beam lifely (30), days, a updy will not be adhabitory minimum of thirty (30) days will be considered timely.  If the period carry is applied to the reply will not be some ABANDONED (30 U.S.C. § 133).  The replaced potent term adjustment. See 37 CFR 1.704(b).  Period for the experiment of the period of the replaced of the replaced of the communication, when I stringly field, they reduce any search potent term adjustment. See 37 CFR 1.704(b).  This action is FINAL.  1) Responsive to communication(s) filled on	Office Action Summary	Examiner	Art Unit	
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE # MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Eastwards of times may be available under the provisions of \$5' CFR 1.136(a). In no event, however, may a reply be finely filed  - Eastwards of times may be available under the provisions of \$5' CFR 1.136(a). In no event, however, may a reply be finely filed  - Eastward of reply specified above, he maximum statutory points will apply und will expire \$5K (b) MONTHS from the neutral pate of this communication.  - If NO period for reply is specified above, he maximum statutory points will apply und will expire \$5K (b) MONTHS from the neutral pate of this communication.  - If NO period for reply specified above, he maximum statutory points will apply und will expire \$5K (b) MONTHS from the neutral pate of this communication.  - If NO period for reply specified and the the miner has apply und will expire \$5K (b) MONTHS from the neutral pate of this communication.  - If NO period for reply specified and the neutral pate more and apply and will expect the summary of the summary reduced any organization and pate the maximum statutory and will expire \$5' k) MONTHS from the neutral pate of this communication.  - If NO period for the summary reduced any organization is non-final.  - If NO period for the summary reduced any organization is non-final.  - If NO period for the summary reduced any organization is non-final.  - If NO period for the summary reduced any organization is non-final.  - If NO period for the summary reduced any reduced any organization is non-final.  - If NO period for the part of the part of the part of the part of the summary reduced any reduced				
THE MAILING DATE OF THIS COMMUNICATION.  Exercisors to time may be seriable under the provision of 3° CPR 1.13(6). In no event, however, may a reply be limely filled after 50. (b) MONTHS from the mailing date of the communication.  It NO period for reply is specified above, he maximus attactory period within the staubility private with the payer will velope that (b) MONTHS from the mailing date of this communication.  Falux to reply within the set or extended period for reply will, by stautic, cause the application to become ARANDONED (35 U.S. C. § 133). Any reply secured by the follic less than the ren arising date of this communication, even if famely filled, may reduce any examined patent term separate t		ears on the cover sheet with the o	correspondence address	
1) Responsive to communication(s) filed on	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period was Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing	36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	mely filed ys will be considered timely. In the mailing date of this communication. ED (35 U.S.C. § 133).	
2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) <u>1-22</u> is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are objected to.  8) Claim(s) <u>1-22</u> are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a  accepted or b  objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.	Status			
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Application/Control Number: 10/039,201 Page 2

Art Unit: 3729

## **DETAILED ACTION**

## Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-18, drawn to a method of forming a beveled writing pole of a perpendicular writing element, classified in class 29, subclass 603.07.
- II. Claims 19-22, drawn to a beveled writing pole formed of a magnetic material, classified in class 360, subclass 126.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions Group I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process such as without a polishing process.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. If applicant elects Group I, the Group I contains claims directed to the following patentably distinct species of the claimed invention:

Species A, drawn to Fig. 8 for claims 2 and 16.

Species B, drawn to Figs. 9.1-9.3 for claims 4, 5 and 18.

Application/Control Number: 10/039,201

Art Unit: 3729

Species C, drawn to Figs. 10.1-10.3 for claims 3 and 17.

Species D, drawn to Figs. 11.1-11.3 for claim 6.

Species E, drawn to Figure not shown as polishing the first magnetic layer down short of the high side to form the top portion for claim 7.

Species F, drawn to Figs. 11.1, 11.2 and 11.5 for claim 8.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1 and 15 are generic claims.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over

Application/Control Number: 10/039,201

Art Unit: 3729

the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul D Kim whose telephone number is 703-308-8356. The examiner can normally be reached on Tuesday-Friday between 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 10/039,201

Art Unit: 3729

Page 5

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul D Kim Examiner

Art Unit 3729